

UNITED STATES OF AMERICA,)
)
 v.) ORDER
)
)
 TERRENCE MAURICE MCNEILL)

Defendant bases his motion on the retroactive guidelines implemented in conjunction with the Fair Sentencing Act of 2010 (“FSA”) and on an argument that the amount of cocaine base involved is 20.4 grams. (Mot., DE # 52, at 1-2.) He requests that his sentence of imprisonment be reduced to 78 months. (Id. at 2.) The court notes that on remand, defendant was sentenced pursuant to the amended guidelines and the FSA. The guideline calculation was based on a prior finding that defendant was accountable for 54.7 grams of cocaine base, which

the Court of Appeals recently upheld. (DE # 97, at 3.) Furthermore, the sentence defendant received on remand is lower than what he seeks with the instant motion.

The motion is DENIED.

This 20 August 2013.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge